

HOUSE BILL NO. 622

INTRODUCED BY D. HIMMELBERGER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO CONSTITUENT ACCOUNTS; EXPANDING THE PERSONS WHO MAY ESTABLISH A CONSTITUENT ACCOUNT; REQUIRING THAT MONEY ~~OTHER THAN EXCESS CAMPAIGN CONTRIBUTIONS PLACED REMAINING~~ IN A CONSTITUENT SERVICES ACCOUNT ESTABLISHED PRIOR TO MAY 14, 2007, MUST BE DONATED TO CHARITY; AMENDING SECTION 13-37-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-37-402, MCA, is amended to read:

"13-37-402. Constituent accounts -- reports. (1) A constituent services account may be established ~~by a person elected to a statewide or legislative office or as a public service commissioner~~ to pay for constituent services by a successful candidate required to report contributions under 13-37-229 and expenditures under 13-37-230. A constituent services account may be established by filing an appropriate form with the commissioner.

(2) (a) A successful candidate ~~for the legislature, a statewide elected office, or the public service commission~~ may deposit only surplus campaign funds in a constituent services account.

(b) The money in the account may be used only for constituent services. The money in the account may not be used for personal benefit. Expenditures from a constituent services account may not be made when the holder of the constituent services account also has an open campaign account.

(3) ~~A statewide elected official, legislator, or public service commissioner~~ person described in subsection (1) may not establish any account related to the public official's office other than a constituent services account. This subsection does not prohibit a ~~statewide elected official, legislator, or public service commissioner~~ person from establishing a campaign account.

(4) The holder of a constituent services account shall file a quarterly report with the commissioner, by a date established by the commissioner by rule. The report must disclose the source of all money deposited in the account and enumerate expenditures from the account. The report must include the same information as

1 required for a candidate reporting contributions under 13-37-229 and expenditures under 13-37-230. The report
2 must be certified as provided in 13-37-231.

3 (5) The holder of a constituent services account shall close the account within 120 days after the account
4 holder leaves public office."
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6 **NEW SECTION. Section 2. Constituent services account -- prior contributions -- donation to**
7 **charity.** A person who established a constituent services account, ~~as provided for in 13-37-402,~~ prior to May 14,
8 2007, shall donate any money placed REMAINING in the account, ~~other than excess campaign contributions, ON~~
9 [THE EFFECTIVE DATE OF THIS ACT] to charity by July 1, 2009. The holder of a constituent services account subject
10 to this section shall file a report with the commissioner of political practices describing the DISPOSITION OF THE
11 money ~~contributed~~ DONATED pursuant to this section.
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13 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.
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15 **NEW SECTION. Section 4. Retroactive applicability.** [Section 2] applies retroactively, within the
16 meaning of 1-2-109, to money placed in a constituent services account THAT WAS ESTABLISHED prior to May 14,
17 2007.
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